

STATE OF MISSISSIPPI

IN THE COUNTY COURT OF HARRISON COUNTY

I, GAYLE PARKER, Clerk of the County Court of Harrison County, Mississippi, do hereby certify that the above and foregoing constitutes a true and correct copy of the entire file

CATHERINE DRUBE

PLAINTIFF

VS

NO. D2401-13-1618

WALMART STORES, INC

DEFENDANT

as the same now appears.

AND I FURTHER CERTIFY that said County Court is a Court of Record with an official seal, and that I, as Clerk of said County Court, am the custodian of the records and seal of this said court, at the CITY OF GULFPORT on this 4 day of February in the year of our Lord, two thousand fourteen.

GAYLE PARKER  
Clerk of County Court of Harrison County,  
Mississippi

By: Whitney Indem D.C.

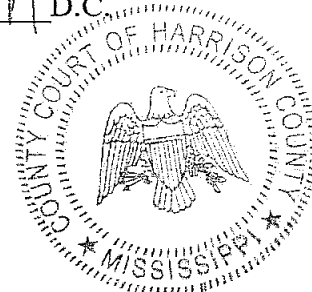


EXHIBIT "A"

IN THE COUNTY COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT

CATHERINE DRUBE

PLAINTIFF

VERSUS

CAUSE NO. D2401-13-1618

WALMART STORES, INC.

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO: Walmart Supercenter  
c/o C.T. CORPORATION SYSTEM  
645 Lakewood East Drive  
Flowood, MS 39532

NOTICE TO DEFENDANT

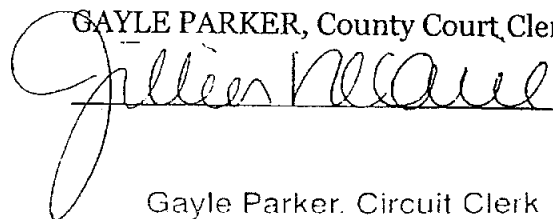
THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to JIM DAVIS, the attorney for the Plaintiff, whose post office address is POST OFFICE BOX 1839, GULFPORT, MS 39502, and whose street address is 1904 24<sup>th</sup> AVENUE, GULFPORT, MS 39501. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this summons and complaint or a judgement by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 19<sup>th</sup> day of November 2013.

GAYLE PARKER, County Court Clerk

 D.C.

JIM DAVIS  
MSB #5830  
1904 24<sup>th</sup> Avenue  
Post Office Box 1839  
Gulfport, MS 39502  
Phone: 228-864-1588  
Fax: 228-863-5008

Gayle Parker, Circuit Clerk  
Harrison County  
PO Box 998  
Gulfport, MS 39502

IN THE COUNTY COURT OF HARRISON COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT

CATHERINE DRUBE

PLAINTIFF

VERSUS

CAUSE NO.: D2401-13-1618

WALMART STORES, INC.

DEFENDANT

COMPLAINT

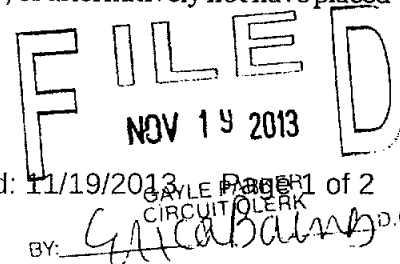
COMES NOW, CATHERINE DRUBE, by and through his attorney, JIM DAVIS, and files this her COMPLAINT against WALMART STORES, INC., and states her claim for relief as the following, to-wit:

1. CATHERINE DRUBE is an adult resident citizen of the First Judicial District of Harrison County, Mississippi and names as her Defendant, Walmart, which can be served with process through its registered agent, C.T. Corporation System, who's address is 645 Lakewood East Drive, Flowood, Mississippi 39232 and service on the manager of Walmart Supercenter located at 9350 Highway 49, Gulfport, Mississippi 39503.

2. On or about August 07, 2011, CATHERINE DRUBE was in the Walmart Supercenter located at 9350 Highway 49, Gulfport, Mississippi 39503 standing at the deli counter purchasing an order. She turned around to put the items in her buggy, she tripped on a small table in front of the deli counter and fell. She hit the buggy with her left arm and ribs sustaining bruising and pain in her sternum.

3. That the Defendant's own negligence created the dangerously located table that caused the Plaintiff's injury. The Defendant had actual or constructive knowledge of the dangerous condition. The Defendant would have known of the condition if they would have exercised reasonable care.

4. The Defendant should have had the area posted for dangerous conditions or posted warnings for customers to travel with caution or to watch their step, or alternatively not have placed the table in a dangerous place or condition.



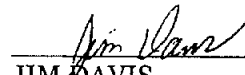
5. As a result of the Defendant's negligence, the Plaintiff has suffered damages and injury to her person. This includes loss of employment, permanent disability, loss of past, present and future wages and medical bills, at the time of the filing of this complaint, clearly within the Court's jurisdiction.

WHEREFORE, your Plaintiff requests this her COMPLAINT be filed and, upon hearing, she receive damages from the Defendants in an amount determined by the Court, including but not limited to, her past, present and future loss of wages, medical bills, pain and suffering, any permanent disability caused to her person, and all other relief necessary and proper in the premises. Your Plaintiff further requests that she be granted punitive damages for the gross negligence of the Defendant in not having some type of warning sign posted, and for all other relief necessary and proper in the premises.

RESPECTFULLY SUBMITTED, this the 19<sup>TH</sup> day of November, 2013.

CATHERINE DRUBE, Plaintiff

BY:

  
JIM DAVIS  
Attorney for Plaintiff

JIM DAVIS  
MSB# 5830  
1904 24<sup>TH</sup> Avenue  
Post Office Box 1839  
Gulfport, MS 39502  
Phone: 228-864-1588  
Fax: 228-863-5008

<b>COVER SHEET</b> <b>Civil Case Filing Form</b> <i>(To be completed by Attorney/Party Prior to Filing of Pleading)</i>		Court Identification Docket Number <div style="border: 1px solid black; display: inline-block; padding: 2px;">24100</div> <small>County # Judicial Court ID District (CH, CI, CO)</small>	Case Year <div style="border: 1px solid black; display: inline-block; padding: 2px;">2013</div>	Docket Number <div style="border: 1px solid black; display: inline-block; padding: 2px;">01618</div> <small>Local Docket ID</small>
<small>Mississippi Supreme Court Administrative Office of Courts</small>		Form AOC/01 <small>(Revised 1/1/2001)</small>		This area to be completed by clerk
IN THE COUNTY _____ COURT OF <u>HARRISON</u> COUNTY _____				
Short Style of Case: <u>Drube v. Walmart Stores, Inc.</u> Party Filing Initial Pleading: Type/Print Name <u>Jim Davis</u> Signature <u>[Signature]</u> MS Bar No. <u>5830</u> Check (✓) if Not an Attorney _____ Check (✓) if Pro Hac Vice _____ Compensatory Damages Sought: \$ _____ Punitive Damages Sought: \$ _____ Is Child Support contemplated as an issue in this suit? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If "yes" is checked, please submit a completed Child Support Information Sheet with Final Decree/Judgment				
<b>PLAINTIFF - PARTY(IES) INITIALLY BRINGING SUIT SHOULD BE ENTERED FIRST (FIRST NAME IN SHORT STYLE) - ENTER ADDITIONAL PLAINTIFFS ON SEPARATE FORM</b>				
Individual <u>Drube</u> <u>Catherine</u> (_____) <u>M</u> <u>Jr/Sr/III/V</u> <small>Last Name First Name Maiden Name, if Applicable Middle Init.</small> Address of Plaintiff <u>20061 Tournament Drive, Gulfport, MS 39503</u> Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____ Estate of _____ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ D/B/A / Agency _____ Business _____ <small>Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated</small> Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: _____ D/B/A: _____				
<b>DEFENDANT - NAME OF DEFENDANT (FIRST NAME IN SHORT STYLE) - ENTER ADDITIONAL DEFENDANTS ON SEPARATE FORM</b>				
Individual _____ (_____) _____ <u>Jr/Sr/III/V</u> <small>Last Name First Name Maiden Name, if Applicable Middle Init.</small> Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____ Estate of _____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ D/B/A / Agency _____ Business <u>Walmart Stores, Inc., c/o CT Corporation, 645 Lakewood East Drive, Flowood, MS 39232</u> <small>Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated</small> Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below: _____ D/B/A: _____				
ATTORNEY FOR THIS DEFENDANT: _____ Bar No. _____ or Name: _____ Pro Hac Vice (✓) _____ <small>(If known)</small>				
<b>In left hand column, check one (1) box that best describes the nature of this suit. In right hand column check all boxes which indicate secondary claims.</b>				
<b>Business/Commercial</b> <input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Bankruptcy <input type="checkbox"/> Business Dissolution - Corporation <input type="checkbox"/> Business Dissolution - Partnership <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Examination of Debtor <input type="checkbox"/> Execution <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Pension <input type="checkbox"/> Receivership <input type="checkbox"/> Replevin <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other _____ <b>Domestic Relations</b> <input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Differences <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> UIFSA (formerly URESA) <input type="checkbox"/> Other _____ <b>Contract</b> <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Product Liability under Contract <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other _____	<b>Probate</b> <input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Other _____ <b>Statutes/Rules</b> <input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> ERISA <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Extraordinary Writ <input type="checkbox"/> Federal Statutes <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Municipal Annexation <input type="checkbox"/> Rackleffing (RICO) <input type="checkbox"/> Railroad <input type="checkbox"/> Seaman <input type="checkbox"/> Other _____ <b>Appeals</b> <input type="checkbox"/> Administrative Agency <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Employment Security Comm'n <input type="checkbox"/> Municipal Court <input type="checkbox"/> Oil & Gas Board <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other _____	<b>Children and Minors - Non-Domestic</b> <input type="checkbox"/> Adoption - Noncontested <input type="checkbox"/> Consent to Abortion for Minor <input type="checkbox"/> Removal of Minority <input type="checkbox"/> Other _____ <b>Torts-Personal Injury</b> <input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input checked="" type="checkbox"/> Negligence - General <input type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Products Liability <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Other _____ <b>Mass Tort</b> <input type="checkbox"/> Asbestos <input type="checkbox"/> Chemical Spill <input type="checkbox"/> Dioxin <input type="checkbox"/> Hand/Arm Vibration <input type="checkbox"/> Hearing Loss <input type="checkbox"/> Radioactive Materials <input type="checkbox"/> Other _____ <b>Real Property</b> <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Receiver Appointment <input type="checkbox"/> Tax Sale: Confirmation/Cancellation <input type="checkbox"/> Title, Boundary &/or Easement <input type="checkbox"/> Other _____ <b>Civil Rights</b> <input type="checkbox"/> Elections <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief <input type="checkbox"/> Prisoner <input type="checkbox"/> Other _____		
Case: 24CO1:13-cv-01618 Document #: 1-1 Filed: 11/19/2013 Page 1 of 1				

**IN THE COUNTY COURT OF HARRISON COUNTY, MISSISSIPPI**

CATHERINE DRUBE,

Plaintiff,

vs.

WALMART STORES, INC.

Defendant.

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CASE NO. D2401-13-1618

**NOTICE OF REMOVAL**

TO: Gayle Parker, Clerk  
County Court of Harrison County, Mississippi  
Post Office Box 998  
Gulfport, MS 39502

There is hereby filed with you a copy of the Notice of Removal filed by Defendant WALMART STORES EAST, LP ("Wal-Mart"), incorrectly identified a "Wal-Mart Stores, Inc.," through undersigned counsel, in the case styled "*Catherine Drube vs. Wal-Mart Stores, Inc.*," Case Number D2401-13-1618 and designed to remove that action to the United States District Court for the Southern District of Mississippi, Southern Division. This Notice of Removal was sent for filing in the United States District Court for the Southern District of Mississippi, Southern Division, on the February 24, 2014.

Written notice of the filing of said Notice of Removal was given to the attorneys of record for plaintiff herein by service via U.S. mail on the 24<sup>th</sup> day of February, 2014, and you are hereby notified that the filing of a copy of the aforesaid Notice with you as Clerk of the County Court of Harrison County, Mississippi, effects removal of said cause to the United States District Court for the Southern District of Mississippi, Southern Division.

DATED this February 24, 2014.

/s/ W. Pemble DeLashmet

W. PEMBLE DELASHMET MS 8840

wpd@delmar-law.com

CHAD C. MARCHAND MS 102752

ccm@delmar-law.com

ASHLEY POWELL GRIFFIN MS 104044

apg@delmar-law.com

Attorneys for Wal-Mart Stores East, L.P.  
(incorrectly identified as Wal-Mart Stores, Inc.)

OF COUNSEL:

DELASHMET & MARCHAND, P.C.

Post Office Box 2047

Mobile, AL 36652

Telephone: (251) 433-1577

Facsimile: (251) 433-1578

CERTIFICATE OF SERVICE

I hereby certify that I have on this 24<sup>th</sup> day of February, 2014, electronically filed the forgoing document with the Clerk of the Court using the ECF System which sent notification of such filing to Jim Davis, Esquire, attorney for Plaintiff.

/s/ W. Pemble DeLashmet

OF COUNSEL